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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,133	09/22/2003	Rex L. Barker	FRA3219	8415

7590 02/18/2005
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EXAMINER

SELF, SHELLEY M

ART UNIT PAPER NUMBER

3725

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,133	BARKER ET AL.	
	Examiner	Art Unit	
	Shelley Self	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/22/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitations "said front side" in 2 and "said guide posts" in 2. There are insufficient antecedent bases for these limitations in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleveland (4,874,025) in view of Overby (2,716,044). With regard to claims 1, 6 and 10, Cleveland discloses a collapsible miter saw support (10) for supporting a miter saw (col. 3, line 58), said device comprising: a table (fig. 1) including a panel (76) having a front edge, rear edge, first side edge, second side edge, top surface and bottom surface (fig. 3) a plurality of legs (38) being attached to and extending downwardly from said bottom surface (figs. 1-3); a pair of supports (14) each of said supports being attached to said top surface of said pane (76), each of

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said supports being positioned adjacent to said front edge, said supports being spaced from each other such that a base of the miter saw is selectively positionable between said supports (fig. 1); and a pair of guides (12) each of said guides (12) being attached to one of said supports and extending outwardly away a respective one of said first and second side edges, each of said guides (12) having a free end extending outwardly away from said table, said guides being hingedly (18) coupled such that said free ends may selectively be positioned in an extended position directed away from said table or a stored position extending downward (fig. 3).

Cleveland does not disclose the guides (12) to have a break therein positioned between said table and said free end. Overby teaches in a closely related art, a support device having a table (fig. 1) having a guide (19) said guide having a break (18) therein positioned between a table and free ends such that a first section (19) and a second section (17) of the guide is defined, the first section being hingedly coupled (18) to a corresponding second section such that said free end may be positioned in an extended position or a stored position. Overby teaches this construction so as to create a compact storable position of the table/support device. Because the reference are from a closely related art and deal with a similar problem (i.e. folding/extending support device from a stored an operable position) it would have been obvious at the time of the invention to replace, Cleveland's guide having a no break with a guide having a break for efficient folding/storing of the support device as taught by Overby.

With regard to claim 2, Cleveland discloses legs such that front, rear and lateral sides are defined (fig. 1).

With regard to claim 3, Cleveland discloses shelves (60, 62). Examiner notes the drawer acts as a shelf.

With regard to claim 7-9 (claim 8 as best as can be understood), Cleveland discloses articulated arms (26) each having a first end hingedly attached (28, 36) to said table (fig. 3).

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Cleveland (4,874,025) in view of Overby (2,716,044) as applied to claim 1 above, and further in view of Keller (4,483,573). Neither Cleveland nor Overby discloses doors. Cleveland does however disclose a drawer and shelf for storage needs (fig. 1). Keller teaches in a closely related art, a saw table/workbench having horizontal lateral adjustable sides and a table having rear and later sides with a pair of doors hingedly coupled to the table. Keller teaches this construction for ease of storage. Because the references are from a closely related art it would have been obvious at the time to one having ordinary skill in the art to replace Cleveland's storage, i.e. drawer with a storage means having doors for improved accessibility as taught by Keller.

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Cleveland (4,874,025) in view of Overby (2,716,044) as applied to claim 1 above, and further in view of Salkoff (3,261,307). Neither Cleveland nor Overby discloses wheels. It would have been obvious at the time of the invention to one having ordinary skill in the art to provide Cleveland with wheels, because the provision of making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. See *In re Lindberg*, 93 USQP 23 (CCPA 1952).

Moreover, Salkoff teaches in a closely related art a table/workbench having a plurality of legs and wheels (fig. 1). Salkoff teaches this construction for improved maneuverability and

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portability. It would have been obvious at the time of the invention to one having ordinary skill in the art to provide Cleveland with wheels for portability as taught by Salkoff.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cleveland (4,874,025) in view of Overby (2,716,044) as applied to claim 1 above, and further in view of Keller (4,483,573) and Salkoff (3,261,307). As noted above, Cleveland discloses a mitre saw table having legs, a panel, supports, guides and articulated arms (figs. 1-3). Cleveland does not disclose doors, however for the reasons stated above with reference to claim 4, it would have been obvious to replace Cleveland's storage drawer with doors as taught by Keller.

Additionally, Cleveland does not disclose wheels however for the reasons state above with reference to claim 5, it would have been obvious to provide Cleveland with wheels as taught by Salkoff.

Further, Cleveland does not disclose a break, however for the reasons stated above with reference to claim 1, it would have been obvious at the time to the invention to provide Cleveland with a break as taught by Overby.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached

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at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf
February 15, 2005

A handwritten signature in black ink, appearing to read 'Lowell A. Larson', with a stylized, cursive script.

Lowell A. Larson
Primary Examiner